IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 26642 of 2006(V)

PETITIONER:

C.L. CHAKCO, S/O. LONAPPAN,
AGED 49 YEARS, CHALAKKAL HOUSE,KANDASSAMKADAVU P.O
KARAMUKKU, THRISSUR, LICENSEE T.S.NO.18/2006-07,
CHATHANGOTTUPURAM, MALAPPURAM.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CIRCLE INSPECTOR OF POLICE,
VANDOOR POLICE STATION, MALAPPURAM.

3. SUB INSPECTOR OF POLICE,
VANDOOR POLICE STATION, MALAPPURAM.

4. KUTTY RAMAN, S/O. NADI,
AGED 50 YEARS, POTHUVATTI HOUSE, CHATHANGOTTUPURAM

5. BIJU, S/O. CHANDRAN,
AGED 28 YEARS, PARAKKAL HOUSE, THOTTUPURAM,
CHATHANGOTTUPURAM.

ADDL.6TH RESPONDENT:

6.P.K.BALAKRISHNAN,CHAIRMAN ACTION COUNCIL,
S/O.RAVUNNI NAIR, “SURABHI”, CHERIPARAMBU,
CHATHANGOTTUPURAM P.O. (VIA) WANDOOR,
MALAPPURAM DIST.

ADDL.6TH RESPONDENT IS IMPLEADED AS PER ORDER DATED 7.11.2006 IN I.A.1482/06.

ADDL.7TH RESPONDENT:

7.ASSISTANT EXCISE COMMISSIONER, MALAPPURAM DISTRICT.

ADDL.7TH RESPONDENT IS IMPLEADED AS PER ORDER DATED 5.12.2006 IN I.A.16975/06.

BY GOVERNMENT PLEADER SRI.P.A.SALIM
SRI.P.VIJAYAKUMAR FOR ADDL.R7

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ABKARI LICENSE IN TODDY SHOP T.S.NO.18/06-07 HAVING LICENSE NO.M 205/06-07.

EXT.P2: COPY OF THE COMPLAINT FILED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.P3: COPY OF THE COMPLAINT FILED BY THE PETITIONER TO 2ND AND 3RD RESPONDENTS.

J.B. KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(C) No.26642 of 2006 V

Dated this the 12th day of December, 2006

Judgment

Koshy,J.

This is a petition for police protection. It is the case of the petitioner that in view of the initial objection by the parties, they have shifted the shop to the new location and functioning with licence. It is the case of the contesting respondent that the present place is located near the Harijan colony and they have filed representation (Ext.R7 (i)) to the Excise Commissioner and Ext.R7 (j) to the District Collector.

In the above circumstances, we direct the Excise Commissioner to decide the matter with notice to the petitioner and seventh respondent and take a decision within one month from today. Either of the parties can produce a copy of this judgment before the Commissioner.

Status quo will continue till orders are passed by the Excise Commissioner in pursuance of this judgment.

The writ petition is disposed of.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

vaa